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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 ERNESTO LUCERO,)
)
 Defendant.)

2:11-CR-168-KJD (GWF)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that on May 3, 2012, defendant ERNESTO LUCERO pled guilty to Counts One through Four and Counts Six and Eight of an Eight-Count Superseding Criminal Indictment charging him in Counts One and Eight with Felon in Possession of a Firearm in violation of Title 18, United States Code, Section 922(g)(1); in Counts Two, Four, and Six with Interference with Commerce by Robbery in violation of Title 18, United States Code, Section 1951(a); and in Count Three with Brandishing a Firearm During a Crime of Violence in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii). Superseding Criminal Indictment, ECF No. 15.

This Court finds defendant ERNESTO LUCERO agreed to the forfeiture of the property set forth in the Forfeiture Allegation of the Superseding Criminal Indictment and in the Plea Memorandum. Superseding Criminal Indictment, ECF No. 15.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Allegation of the

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1 Superseding Criminal Indictment and the Plea Memorandum and the offenses to which defendant
2 ERNESTO LUCERO pled guilty.

3 The following assets are subject to forfeiture pursuant to Title 18, United States Code, Section
4 924(d)(1) and Title 28, United States Code, Section 2461(c):

- 5 a. Phoenix Arms Co., Model HP22, .22 caliber semi-automatic handgun, serial
6 number 4164586;
- 7 b. Smith & Wesson, .22 caliber revolver, serial number K127962; and
- 8 c. any and all rounds of ammunition ("property").

9 This Court finds the United States of America is now entitled to, and should, reduce the
10 aforementioned property to the possession of the United States of America.

11 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the
12 United States of America should seize the aforementioned property.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest of
14 ERNESTO LUCERO in the aforementioned property is forfeited and is vested in the United States
15 of America and shall be safely held by the United States of America until further order of the Court.

16 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America
17 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
18 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state
19 the time under the applicable statute when a petition contesting the forfeiture must be filed, and state
20 the name and contact information for the government attorney to be served with the petition,
21 pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
23 with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas, Nevada 89101.

24 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
25 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
26 following address at the time of filing:

1 Michael A. Humphreys
2 Assistant United States Attorney
3 Daniel D. Hollingsworth
4 Assistant United States Attorney
5 Lloyd D. George United States Courthouse
6 333 Las Vegas Boulevard South, Suite 5000
7 Las Vegas, Nevada 89101.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
9 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
10 following publication of notice of seizure and intent to administratively forfeit the above-described
11 property.

12 DATED this 2nd day of May, 2012.

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14 UNITED STATES DISTRICT JUDGE
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